

**ORDINANCE BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

02- 0-1730

November 4, 2002

AUTHORIZING THE MAYOR TO GRANT A PERMANENT CONSTRUCTION AND MAINTENANCE EASEMENT TO GEORGIA POWER COMPANY, FOR THE PURPOSE OF MOVING EXISTING OVERHEAD UTILITY POLES FROM BEHIND THE CURB TO A POINT THIRTEEN FEET BEHIND THE CURB AND INSTALLING THE UTILITY POLES APPROXIMATELY THREE FEET BEHIND THE CITY RIGHT-OF-WAY ON CITY OF ATLANTA PARKLAND, SO AS TO ALLOW GEORGIA POWER COMPANY TO MOVE THE UTILITY LINE TO IMPROVE THE APPEARANCE OF THE LINE AND REDUCE THE NUMBER OF UTILITY POLES BY FIVE, LOCATED IN LAND LOTS 54 AND 106 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA; THE PIEDMONT PARK CONSERVANCY, INC., ORGANIZATION AND THE MIDTOWN ALLIANCE GROUP WILL PAY ALL COSTS ASSOCIATED WITH THIS REMOVAL, INSTALLATION AND MAINTENANCE SERVICES REQUIRED FOR THIS EASEMENT REQUEST ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUREAU OF PARKS; AND FOR OTHER PURPOSES.

Whereas, Georgia Power Company has requested a permanent construction and maintenance easement in the City's Piedmont Park, located in Land Lots 54 and 106 of the 17th District of Fulton County, Georgia, for the purpose of moving existing overhead utility poles from behind the curb to a point thirteen feet behind the curb and installing the utility poles approximately three feet behind the City Right-of way on City of Atlanta Parkland, so as to allow Georgia Power Company to move its utility line to improve the appearance of the utility line and reduce the number of utility poles by five; and

Whereas, Georgia Power Company is currently working with the Piedmont Park Conservancy, Inc. organization to eliminate all overhead wires located in Piedmont Park and the Midtown Alliance and the Piedmont Park Conservancy, Inc. organization have through the plans formulated in the "Blueprint Midtown" planning process designed a new streetscape for Piedmont Avenue running from 10th Street to Westminster Drive; and

Whereas, the Midtown Alliance and the Piedmont Park Conservancy, Inc. organization are paying the costs of the new streetscape and improvements to the front edge of Piedmont Park; and

Whereas, Georgia Power Company is requesting this permanent construction and maintenance easement to accomplish the tasks identified above; and

Whereas, a permanent construction and maintenance easement is required to remove existing overhead utility poles and install other utility poles in the Piedmont Park area of 10th Street to Westminster Drive located in Land Lots 54 and 106 of the 17th District of Fulton County, Georgia.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
as follows:

Section 1: That the Mayor be and is hereby authorized to grant a permanent construction and maintenance easement to the Georgia Power Company, for the purpose of moving existing overhead utility poles from behind the curb to a point thirteen feet behind the curb and installing the utility poles approximately three feet behind the City Right-of way on City of Atlanta Parkland, so as to allow Georgia Power Company to move the utility line to improve the appearance of the utility line and to reduce the number of utility poles by five, located in Land Lots 54 and 106 of the 17th District, Fulton County, Georgia, on behalf of the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks.

Section 2: That the Acting Commissioner of the Department of Parks, Recreation and Cultural Affairs acting as the Mayor's designee, is authorized to review and approve the terms and conditions of the permanent construction and maintenance easement as described and delineated in the easement package, attached hereto, as Exhibit "A", and made a part hereof by reference.

Section 3: That the Piedmont Park Conservancy, Inc. organization and the Midtown Alliance group will be responsible for the payment of all costs associated with this permanent construction and maintenance easement, at no cost to the City of Atlanta.

Section 4: That the City Attorney is hereby directed to review and approve the terms and conditions of the permanent construction and maintenance easement prior to execution by the Mayor.

Section 5: That all Ordinances and parts of Ordinances in conflict herewith be and the same hereby are repealed.

760 Ralph McGill Boulevard
Atlanta, Georgia 30312
Tel 404.572.7600
Fax 404.572.7607

August 28, 2002

Mr. Karl L. McCray, Commissioner of Parks
Recreational, and Cultural Affairs
City of Atlanta
City Hall East, Eighth Floor
675 Ponce de Leon Avenue, N.E.
Atlanta, Georgia 30308



RE: Piedmont Avenue streetscape Improvements

Dear Mr. McCray:

The Midtown Alliance through the plans formulated in the "Blueprint Midtown" planning process has designed a new streetscape for Piedmont Avenue from 10th Street to Westminster Drive. The City of Atlanta Parks Department and the Piedmont Conservancy have been major participants in the planning and design along the Piedmont Park edge. The Midtown Alliance and the Piedmont Conservancy are paying the cost of the new streetscape and the improvements to the front edge of Piedmont Park. To facilitate the construction of the new improvements the Piedmont Conservancy has asked Georgia Power Company to move the existing overhead utility poles from just behind curb to a point thirteen feet behind the curb. The poles will then be approximately three feet behind the City right-of-way on the City's parkland. The moving of the line will allow Georgia Power to improve the appearance of the line and reduce the number of poles by five. The Conservancy is anxious to get this project underway

Enclosed for your review are the necessary easement agreements and prints showing locations of equipment. This is the standard easement document that Georgia Power Company uses to acquire land rights of this nature, should you have any questions regarding the rights outlined within, please contact me.

We appreciate your help and cooperation in this matter and ask that you process this easement in the normal manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee H. Cronan, Jr.", written over a horizontal line.

Lee H. Cronan, Jr., PE, LC
Principal Engineer

Cc: Jay Lowery
Suchima Dersch
Ken Gillett
Kara Portnell
Dorsey Walker
David Lyons
Randy Crews

Easement

"Exhibit A"

STATE OF GEORGIA,

Fulton COUNTY

Name of Line. _____

Account No. _____

Received of GEORGIA POWER COMPANY, hereinafter called the Company, the sum of One Dollar (\$1.00), in consideration of which CITY OF ATLANTA (Undersigned) whose

Post Office Address is 55 TRINITY AVENUE, SW, ATLANTA, GEORGIA 30335

do(es) hereby grant and convey to said Company, its successors and assigns, the right, privilege and easement to go in, upon, along, across

and under that tract of land owned by the Undersigned in Land Lot(s) Number 54 AND 106

of the 17th Land District, Fulton County,

State of Georgia, known as 1275 PIEDMONT AVENUE(PIEDMONT PARK), ATLANTA, GEORGIA

(street address) and said lands being more particularly described on a plat marked "Exhibit A" attached hereto and made a part hereof,

together with the right to construct, operate, and maintain continuously upon and under said land, its lines for transmitting electric current, with poles, wires, transformers, service pedestals, and other necessary apparatus, fixtures and appliances, including the right to stretch communication wires on said poles, or under said lands with necessary appliances; with the right to permit the attachment of the wires and appliances of any other company, or person, to said poles; together with the right at all times to enter upon said premises for the purpose of inspecting said lines, making repairs, renewals, alterations and extensions thereon, thereunder, thereto or therefrom; together with the right to cut away and keep clear of said overhead or underground lines, transformers, fixtures and appliances, all trees and other obstructions that may in the opinion of the Company now or hereafter in any way interfere or be likely to interfere with the proper operation of said overhead or underground lines, transformers, fixtures, and appliances; also the right of ingress and egress over said land to and from said lines. Any timber cut on said land by or for said Company shall remain the property of the owner of said timber.

The undersigned does not convey any land, but merely grants the rights, privileges and easements hereinbefore set out.

Said Company shall not be liable for nor bound by any statement, agreement or understanding not herein expressed.

IN WITNESS WHEREOF, the said undersigned

has hereunto set its hand and seal this _____ day of _____, 20 02

Signed, sealed and delivered in the presence of:

CITY OF ATLANTA

Witness

property owner's signature

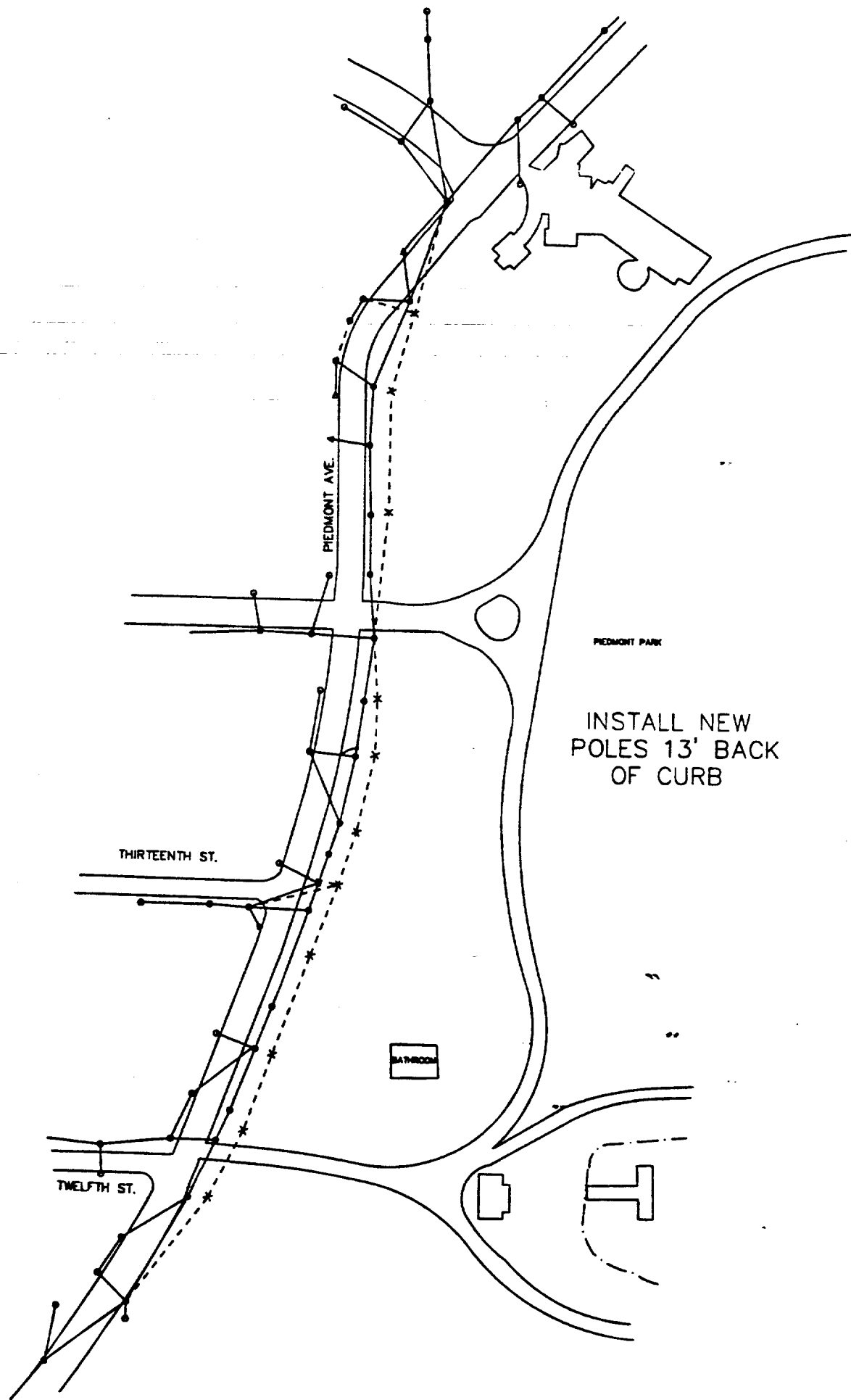
(SEAL)

Notary Public

print name / title (if applicable)

(SEAL)

(This easement is to be signed in the presence of two (2) witnesses, one of whom must be a Notary Public.) Easement.doc



PIEDMONT PARK

INSTALL NEW
POLES 13' BACK
OF CURB

THIRTEENTH ST.

TWELFTH ST.

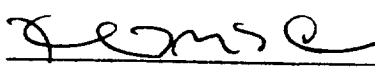
PIEDMONT AVE.

BATHROOM

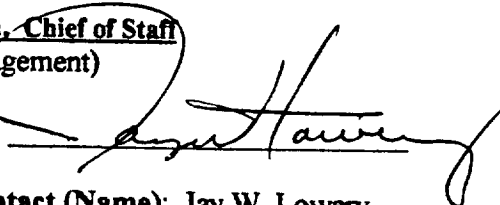
TRANSMITTAL FORM FOR LEGISLATION

TO MAYOR'S OFFICE: Gregory G. Pridgeon, Chief of Staff
(for review & distribution to Executive Management)

Commissioner's
Signature:



Director's
Signature:



From Originating Dept.: Parks, Recreation
and Cultural Affairs

Contact (Name): Jay W. Lowery
404-817-6744

Committee(s) of Purview: CD/HRC

Committee Deadline: 09-30-02

Committee Meeting Date(s): 10-15-02
10-29-02

Council Meeting Date(s): 10-21-02
11-04-02

CAPTION: ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE MAYOR TO GRANT A PERMANENT CONSTRUCTION AND MAINTENANCE EASEMENT TO GEORGIA POWER COMPANY, FOR THE PURPOSE OF MOVING EXISTING OVERHEAD UTILITY POLES FROM BEHIND THE CURB TO A POINT THIRTEEN FEET BEHIND THE CURB AND INSTALLING THE UTILITY POLES APPROXIMATELY THREE FEET BEHIND THE RIGHT-OF-WAY ON CITY OF ATLANTA PARKLAND, SO AS TO ALLOW GEORGIA POWER COMPANY TO MOVE THE UTILITY LINE TO IMPROVE THE APPEARANCE OF THE LINE AND REDUCE THE NUMBER OF UTILITY POLES BY FIVE, LOCATED IN LAND LOTS 54 AND 106 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA; THE PIEDMONT PARK CONSERVANCY, INC., ORGANIZATION AND THE MIDTOWN ALLIANCE GROUP WILL PAY ALL COSTS ASSOCIATED WITH THIS REMOVAL, INSTALLATION AND MAINTENANCE SERVICES REQUIRED FOR THIS EASEMENT REQUEST ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUREAU OF PARKS; AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

The Department of Parks, Recreation and Cultural Affairs has received a request from Georgia Power Company on behalf of the Piedmont Park Conservancy, Inc. organization and the Midtown Alliance group to acquire a permanent construction and maintenance easement from the City of Atlanta for the purpose of moving existing overhead utility poles and installing utility poles three feet behind the City right-of-way on City of Atlanta parkland to allow Georgia Power Company to move its utility line, so as to improve the appearance of the utility line and reduce the number of utility poles by five in the Piedmont Park area of 10th Street to Westminster Drive, N.E., Atlanta, Georgia.

FINANCIAL IMPACT (if any): None to the City of Atlanta.

MAYOR'S STAFF ONLY:

Received by Mayor's Office:

9/30/02
(date)

Reviewed:


(initials/date)

Submitted to Council: _____
(date)

Action by Committee: ☐ **Approved** ☐ **Adversed** ☐ **Held** ☐ **Amended**
 ☐ **Substitute** ☐ **Referred** ☐ **Other**

DPRCA FORM 90-2a